

REMARKS

In view of the following discussion and amendments to the claims, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. § 102(e). Thus, the Applicants believe that all of the presently pending claims are now in allowable form.

If, however, the Examiner believes that there are any unresolved issues resulting in adverse action in any of the claims now pending in the application, Applicants request that the Examiner telephone Mr. Gregory Discher, Esq. at telephone number (202) 662-5485 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Support for the amendments to the claims is found at least in Figure 1, and associated text, of Applicants' specification.

Claims 1-69 remain pending.

Applicants note that the Examiner has withdrawn the rejection of claims 1-69 as being anticipated under 35 U.S.C. § 102(e) over U.S. Publication 2002/0129057 to Spielberg as set forth in the Office Action dated May 14, 2008. In response to Applicants' amendment filed on October 24, 2008, the Examiner in the most recent and current Office Action dated March 17, 2009, now rejects claims 1-69 under 35 U.S.C. § 102(e) over U.S. Publication 2006/0277453 to Smith et al. ("Smith").

Applicants submit that the published U.S. patent application upon which the Examiner now relies in rejecting the claims—Smith—has many of the same (or similar) deficiencies as previously applied references by the Examiner (Spielberg and Jensen) with respect to the claimed invention. For example, claim 1 recites "a processor for receiving the audio security disclosure data" and that the processor is used for "creating, without human input, a text adapted to be visually displayed directly from the audio security disclosure data". That is, in the claimed invention, the processor receives audio security disclosure data first, and then the

processor automatically and without human intervention **creates corresponding text** for visual display directly from the audio security disclosure data. At least one aspect of the claimed invention, therefore, is generally directed to receiving audio security disclosure data, and “creating, without human input, a text adapted to be visually displayed directly from the audio security disclosure data.” Applicants have reviewed Smith and submit that Smith is not directed to at least this aspect of the claimed invention. Accordingly, Smith, with its emphasis on human input and human intervention (as will be discussed herein), does not even render obvious, let alone anticipate, the claimed invention.

Rejection of Claims 1-69 Under 35 U.S.C. § 102(e)

Applicants traverse the rejection claims 1-69 under 35 U.S.C. § 102(e) over U.S. Publication 2006/0277453 to Smith. Claims 1-69 of the present invention recite features that are not disclosed or suggested in Smith. For example, claim 1 is directed, at least in part, to providing a “processor for creating, without human input, a text adapted to be visually displayed directly from the audio security disclosure data.”

Applicants note that the systems and methods disclosed in Smith and the present invention are directed to substantially different applications. Whereas Smith is generally directed to allowing users to synchronize, for example, mixed media data files (*see*, e.g., paras. [0050], [0051]), aspects of the present invention generally relate to a processor for “receiving the audio security disclosure data” and “creating, without human input, a text adapted to be visually displayed directly from the audio security disclosure data”. (*See*, e.g., Claim 1, Abstract, paras. [0027] and [0029]).

Moreover, Applicants have provided examples of security disclosure data in the specification, for example, at paragraph [0027]. In particular, paragraph [0027] states that security disclosure data includes “earnings call/presentation data, guidance call/presentation data, sales call/presentation data, shareholder/annual meeting data, and the like.” In contrast, Applicants do not find in Smith any suggestion, let alone disclosure, of providing “security disclosure data” as that term is used and defined in the present application, let alone a “processor

for creating, without human input, a text adapted to be visually display directly from the audio security disclosure data,” as recited in the claimed invention.

The Examiner does not provide any citation to Smith as (allegedly) disclosing “security disclosure data,” as recited, for example, in claims 1 and 39, and as disclosed, for example, in para. [0027] of Applicants’ specification. It necessarily follows, therefore, that Smith does not disclose “a storage medium comprising security disclosure data in an audio format,” or “a processor for receiving the audio security disclosure data at a first time and for inserting a first marker therein,” as recited in the claimed invention.

In view of the foregoing, and for at least these reasons, Applicants request that the Examiner withdraw the rejection of claims 1-69 under 35 U.S.C. § 102(e).

On page 3 of the Office Action, with regard to independent claim 1, the Examiner cites paras. [0052] through [0059] of Smith as allegedly disclosing “a means of creating text directly from the audio data.” Paras. [0052] through [0059] of Smith are generally directed to Figures 5A and 5B which, in turn, are respectively directed to: i) a flowchart depicting steps for synchronizing static media files to a streaming media file according to an embodiment of the invention (*see*, para. [0016]), and ii) a flowchart depicting steps for synchronizing transcript files to a streaming media file and creating subtitles according to an alternate embodiment of the invention (*see*, para. [0017]).

Figures 5A and 5B are shown below:

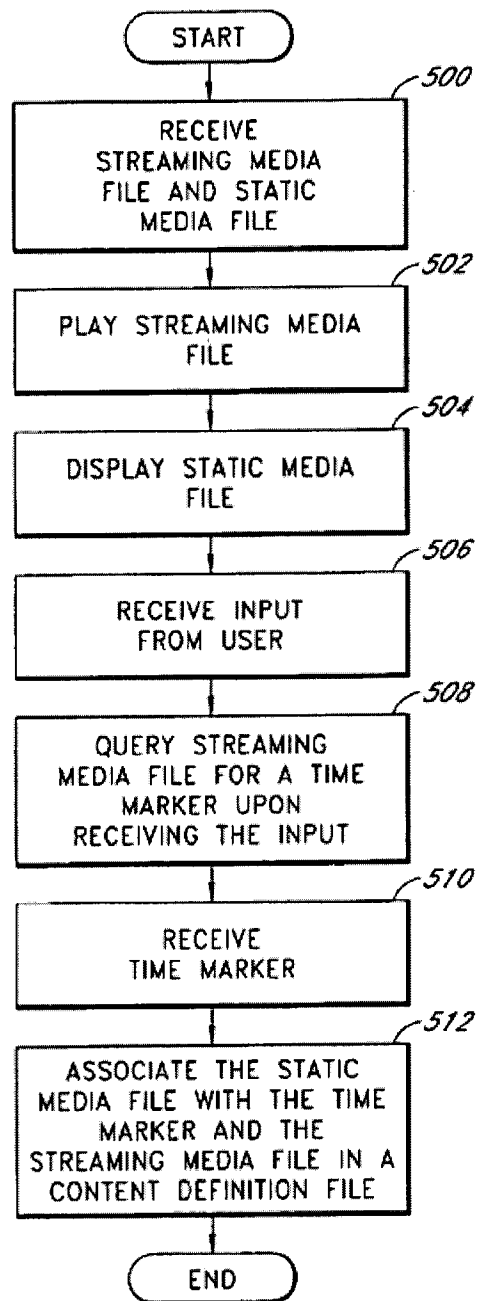
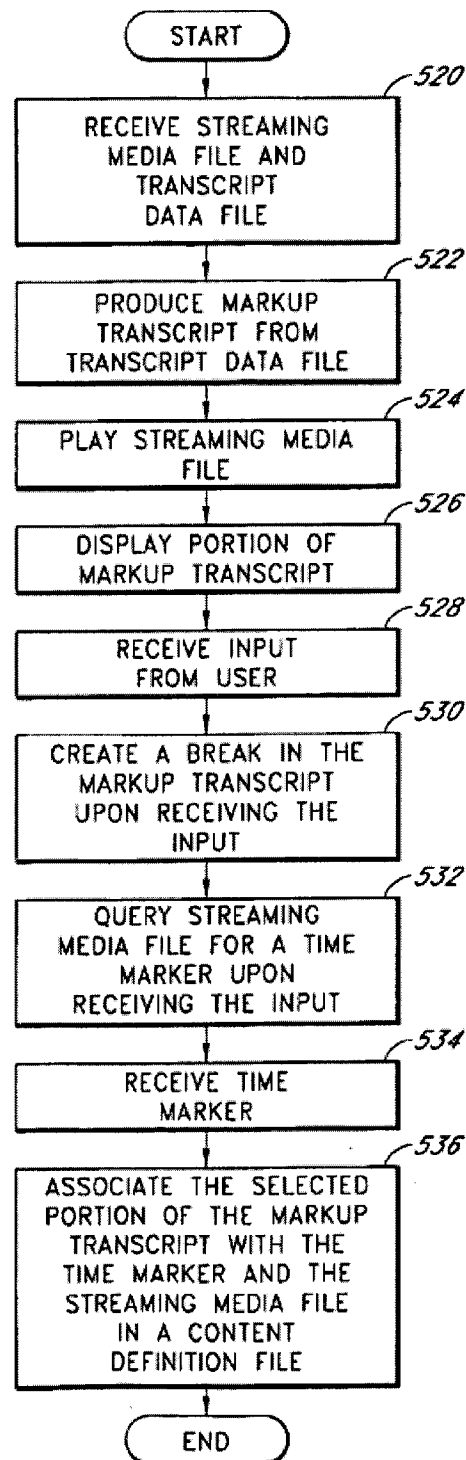


FIG. 5A

*FIG. 5B*

As shown in step 506 in Figure 5A, and step 528 in Figure 5B, user input is required as part of the synchronization process. Moreover, since Figures 5A and 5B pertain to a manual process requiring user input, it should be apparent that Figures 5A and 5B are simply not on point with regard to the claimed invention, which recites “without human input” (*see, e.g.*, claim 1).

Figure 5B is instructive. As shown above, step 520 in Figure 5B indicates that a streaming media file is received. The specification of Smith makes abundantly clear what a “streaming media file” is. Specifically, paragraph [0028] of Smith discloses:

[0028] The term “**streaming media file**” refers to media that is **continuous in nature and that has a time component to it, such media primarily being video files and audio files**. Streaming media files can be queried as they run to determine how much time has elapsed since they were started. Representative streaming media files include RealVideo files, RealAudio files, Quicktime files, MPEG files, Windows Media files, MP3 files, Wave files, and any other computer generated video and audio files. (emphasis added.)

Step 528 of Figure 5B, as shown above, requires user input.

Even assuming *arguendo* that the synchronization process involving a streaming media file as disclosed in Smith is somehow relevant to the claimed invention, Smith clearly requires that the synchronization requires user input. Applicants do not see that Smith even hints at an embodiment that does not require user input. Accordingly, Applicants submit that Smith does not anticipate, or even suggest the claimed invention, which recites, in relevant part:

said processor for creating, without human input, a text adapted to be visually displayed directly from the audio security disclosure data at a second time subsequent to the first time and for inserting a second marker in the text in a position corresponding to a location of the first marker in the audio security disclosure data.

Portion of Claim 1, as amended.

Applicants submit that the claimed invention not only provides and pertains to an automated process such that it does not require human input, but is also directed to a different purpose and function than that disclosed in Smith. The inventors have automated a process, in a manner that encompasses the recognition of what it is that should be automated, and a motivation for such automation which has not been recognized or even suggested in the prior art.

Further, on page 3 of the Office Action with regard to independent claim 1, the Examiner cites paras. [0041] through [0048], alleging that these paragraphs disclose allowing “the user to select specific words and create markets based on the streaming media file” and how this allows for “second markets to be placed in the text.” (emphasis added.)

Paragraphs [0047] and [0048] are provided below:

[0047] FIG. 4 illustrates an embodiment of a **user interface 400 that provides a means for a user to interact with sync engine 224**. User interface 400 includes a section 402 where a streaming media file 202 is displayed, a section 406 where one or more static media files 204 are displayed, and a section 410 where one or more transcript files 206 are displayed. Within user interface 400, the transcript files 206 appear in a markup format, shown by each underlined word 412. User interface 400 also includes control buttons 414 for controlling whether streaming media file 202 is playing, paused, or restarted. (emphasis added.)

[0048] According to an embodiment, user interface 400 is designed to run within a web browser, such as Netscape Navigator (obtainable at www.netscape.com) or Microsoft Internet Explorer (obtainable at www.microsoft.com). Such a user interface 400 allows the sync engine 224 to be accessed from remote locations and run over a communications network. **Thus, a user on computer system 200 can use the sync engine 224, located on the synchronization server 216, from virtually any location in the world.** (emphasis added.)

Again, Smith is replete with examples requiring user input. In fact, Applicants do not see any embodiments disclosed in Smith that do not require user input.

Moreover, throughout the Office Action, the Examiner expressly admits and acknowledges that user input is integral to the disclosure of Smith. By way of example, the Examiner states:

- “The **user establishes** a synchronization point to which the static media file is matched. Sync engine is the tool used for this process and the **user interacts** with sync engine via user interface. See figure 4 and page 4, [0050].” Office Action, page 4 (emphasis added).
- “Figures 6b and 7 provide illustrations of how the first sync audio data and second transcript data are presented to user on a user interface and figure 4 **presents user with a means of modifying presentation attributes.**” Office Action, page 4 (emphasis added).
- “**Having the words in markup format allows a user to ‘select’ individual words to synchronize.** Moreover, it **allows the user to designate breaks in the transcript (sections) that correspond to the starting point and ending points for the subtitles.**” See page 4, [0057 through 0058].” Office Action, page 5 (emphasis added).
- “The subtitles created by the sync eng are **summaries input by the user** intended to further describe the media stream. See page 4, [0056 through 0058].” Office Action, page 8 (emphasis added).

Clearly, Smith, in contrast to the present invention, is replete with references to the need and requirement for user/human input, as acknowledged by the Examiner. In further contrast to Smith, the claimed invention not only provides and pertains to an automated process such that it does not require human input, but is also directed to a different purpose and function than that disclosed in Smith.

On page 8 of the Office Action, the Examiner states that claims 58-69 “recite similar language for carrying out multi-aligned formatted data as stated within claims 1-25.” Applicants

note that claims 58-69 have also been amended to recite “without human input.” Accordingly, the Examiner’s point is rendered moot for at least the reasons discussed above.

Moreover, claims 1-25 do not recite the “first text” and “second text” limitations recited in claim 60. Applicants submit that Smith does not disclose the first text and second text limitations recited in claim 60. If the Examiner believes that Smith discloses the recited “first text” and “second text” limitation, he is requested to identify where in Smith these limitations are disclosed.

Nor do claims 1-25 recite “the first text is a verbatim transcript of the audio security disclosure data and the second text is a summary of the audio security disclosure data” recited in independent claim 61. Applicants submit that Smith does not disclose either the “verbatim transcript” or the “summary of the audio security disclosure data” limitations recited in claim 61. If the Examiner believes that Smith discloses the recited “verbatim transcript” and “summary of the audio security disclosure data” limitations, he is requested to identify where in Smith these limitations are disclosed.

Still further, independent claim 68 recites “said processor...creating, without human unput, a summary transcribed text from the audio security disclosure data and a complete transcribed text from the audio security disclosure data...”. As noted above, Applicants do not find audio security disclosure data in Smith. Nor do Applicants find that Smith creates a “summary transcribed text” and a “complete transcribed text” from the audio security disclosure data. If the Examiner believes that Smith discloses the recited “summary transcribed text” and “complete transcribed text” limitations, he is requested to identify where in Smith these limitations are disclosed.

Finally, independent claim 69 recites a processor for displaying “a first summary text generated from the audio security disclosure data” and “a second verbatim text generated from the audio security disclosure data.” As noted above, Applicants do not find audio security disclosure data in Smith. Nor do Applicants find that Smith creates for display “a first summary text” and “a second verbatim text” from the audio security disclosure data. If the Examiner

believes that Smith discloses the recited “first summary text” and “second verbatim text” limitations, he is requested to identify where in Spielberg these limitations are disclosed.

In summary, the Applicants have painstakingly reviewed the Examiner’s comments, have read the cited paragraphs in the references, and cannot find that language to support the conclusions which the Examiner derives from the words in those references. It is therefore believed and respectfully urged that the claims of record clearly distinguish over the prior art of record.

In view of the foregoing remarks which underscore the marked differences between the subject matter presented in the claims herein and the overall disclosure of the prior art, it is submitted that the claimed invention is not, and could not, be anticipated by or even rendered obvious in view of Smith. There are too many fundamental differences between the claimed invention and the disclosure of Smith to possibly arrive at the functionality, operation and combination of features recited in the present invention. Therefore, Applicants believe and urge the Examiner to recognize that the presently pending claims merit allowance.

CONCLUSION

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, that is patentable. Applicants have emphasized certain features in the claims as clearly not present in the prior art, as discussed above. However, Applicants do not concede that other features in the claims are also not missing in the prior art. Rather, for the sake of simplicity,

Applicants are providing examples of why each of the claims described above are distinguishable over the cited prior art.

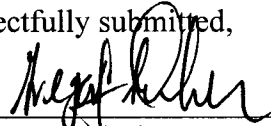
For the reasons advanced above, issuance of a Notice of Allowance is respectfully requested.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-0740.

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Respectfully submitted,

By



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